

REMARKS

Claims 1-21 have been examined. Claims 1, 10, 13, 17, and 20-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, and claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,058,389 issued to Chandra et al. (herein "Chandra") in view of U.S. Patent No. 6,094,694 issued to Hickson et al. (herein "Hickson") in further view of U.S. Patent No. 6,282,565 issued to Shaw et al. (herein "Shaw").

An interview was held on November 18, 2003, between Grace Law (Applicants' representative) and Examiner Alina A. Boutah. The discussion focused primarily on the application of the Chandra and Shaw references to claim 1, but no agreement was reached during the interview. During the interview, it was noted to the Examiner that Chandra relates to a process of a receiver, and not of a sender, while col. 12, lines 26-32 and 38-46 of Shaw relates to the expiration time of a message. Applicants also noted that, even if the cited references disclose the steps recited in the claims, the combination is not obvious, because even if combined, the combination would not work as recited in the claims. In response, Examiner Boutah indicated that Chandra is similar to a typical email system, wherein the sender tracks sent messages. In regard to Shaw, the Examiner indicated that col. 12 was mistakenly cited; instead the correct passage of Shaw relating to claim 1 is located on col. 4, lines 8-15. Lastly, Examiner Boutah requested that Applicants submit their comments relating to the nonobviousness arguments in writing. This response is submitted pursuant to that request.

APPLICANTS' RESPONSE

Drawing Objection—Figure 3

The drawings are objected to for informalities. In response, Applicants submit a corrected drawing of FIG. 3 along with a Separate Letter to the Draftsperson indicating the same proposed drawing changes. Applicants also amend the specification to correspond to the corrected drawing of FIG. 3, and submit that no new matter has been added by such proposed amendments. In particular, since the steps are described on page 11, line 5, to page 13, line 13, in the specification as filed, the amendments to FIG. 3 and

the specification are merely to clarify and to correct minor informalities. As a result, no new matter has been added. Accordingly, please approve the proposed drawing changes and enter the corrected drawing of FIG. 3 and the proposed amendments to the specification.

Section 112 Rejection, Second Paragraph—Claims 1, 10, 13, 17, 20 and 21

Claims 1, 10, 13, 17, 20, and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, Applicants amend claims 1, 10, 13, 17, 20, and 21 to correct the minor informalities indicated by the Office Action. Moreover, claim 14 and the specification are similarly amended to correct the minor informalities as indicated. In particular, except where the term "substantially unique" is defined on page 12, lines 7-8, the term has been deleted from the specification to avoid any confusion as to the usage of the identifier. Accordingly, for all these reasons, Applicants request that the Section 112, second paragraph, rejection of claims 1, 10, 13, 17, 20, and 21 be withdrawn.

Section 103 Rejection—Claims 1-21

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chandra in view of Hickson and in further view of Shaw. In an effort to expedite prosecution, Applicants herein cancels independent claims 10, 13, 20, and 21 and dependent claims 14-16 and 11-12, which depend from claims 10 and 13, respectively. Applicants nevertheless traverse the obviousness rejection asserted by the Office Action with respect to independent claims 1 and 17. In particular, even if *arguendo* the cited references disclose the features recited in amended claims 1 and 17, no suggestion or motivation can be drawn from the cited references to include a sender transaction that relates to a receiver transaction for tracking messages of a transaction using the same identifier and the same expiration time as recited in the claims.

Specifically, the present invention eliminates the need for a transaction manager by the use of a sender and a receiver, wherein each separately maintains a database to track messages of a transaction using the same identifier and the same expiration time

(Applicants' specification, page 3, lines 10-18). In one embodiment of the present invention, when a sender sends out a message to a receiver, the sender computer generates an identifier and an expiration time for the message, which is then saved in a database located on the sender computer (herein "sender database") (Applicants' specification, page 12, lines 2-7). The message, the identifier, and the expiration time are then sent to the receiver (Applicants' specification, page 12, line 17).

The receiver, in response to receiving the message, the identifier, and the expiration time, determines whether the message identified by the identifier is already present in a database located on the receiver computer (herein "receiver database") and whether the message with a specified expiration time has expired (Applicants' specification, page 12, lines 21-23). If the message is already in the receiver database or the message has expired, the message is simply ignored or discarded (Applicants' specification, page 12, line 23, to page 13, line 4). Otherwise, the message is saved in the receiver database, and the receiver will then perform one or more actions as indicated by the message (Applicants' specification, page 13, lines 5-6). Through the sender and receiver, each separately tracking the same message identifier and the same expiration time and having a separate database, the messages of a transaction do not have to be tracked chronologically or tracked as messages within a transaction (Applicants' specification, page 3, line 17, to page 4, line 2). As a result, the present invention eliminates the need for a transaction manager (Applicants' specification, page 3, lines 10-18).

In contrast, none of the cited references of Chandra, Hickson, or Shaw discloses or suggests such a sender, a receiver, a message, an identifier, and an expiration time as recited in the claims. Even if *arguendo* Applicants accept the assertion that the cited references, if combined, discloses the features recited in the claims, there is nevertheless no suggestion or motivation from these cited references to make a device for tracking messages using a sender database and a receiver database working together as a single unit. The asserted combination simply would not work as intended by the present invention and as recited in the claims. } A

In particular, even if for the sake of argument we accept that Chandra does disclose the sender database as claimed and Shaw does disclose the receiver database as claimed, these databases are not linked as a single unit for tracking the messages according to the same identifier and the same expiration time. As a result, substantial modifications must be made in order to save the same identifier and expiration time in the sender and receiver databases, and to use this same identifier and expiration time to track the message individually on the sender and receiver computers.

For example, either the database of Shaw has to be modified to match the database of Chandra, or vice versa, but such substantial modifications would change the intended operation of these cited references. The inference of any suggestion or motivation to make the asserted combination is even more unlikely when the Hickson reference is added to the mix, because again no motivation or suggestion can be inferred from Hickson to use the expiration time between the sender and receiver as recited in the claims. Thus, Applicants submit that the Office Action has not sufficiently shown that in order to improve a process of delivering messages between a sender and a receiver, one of ordinary skill in the art would have been motivated to modify the devices of the cited references to include a process that uses the same identifier and expiration time of a message between the sender and receiver for delivering messages of a transaction. Accordingly, contrary to the assertions of the Office Action, it would not be obvious to use the same identifier and expiration time on both the sender and the receiver in a delivery process as recited in independent claims 1 and 17.

Since the remaining claims 2-9 and 18-19 depend from independent claims 1 and 17, respectively, they are patentable for at least the reasons set forth above with regard to their corresponding independent claims. Nevertheless, Applicants reserve the right to present further arguments in the future with regard to the dependent claims in the event that the independent claims are found to be unpatentable. Accordingly, for all these reasons, Applicants request that the Section 103(a) rejection of claims 1-21 be withdrawn.

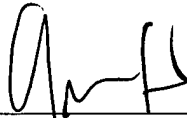
New Claims—Claim 22

Moreover, Applicants have added claim 22 to include another embodiment disclosed in the present invention. In particular, Applicants added claim 22 to include the embodiment that does not save the message in the sender database or receiver database. In this embodiment, only the identifier and the expiration time are saved in the databases, which is supported by the specification on page 10, lines 13-22. Specifically, on page 10, lines 13-22, it is explained that generally, information (e.g., identifier and expiration time) relating to the message is stored in the sender and receiver databases. As a result, Applicants submit that no new matter has been added, and new claim 22 is supported by the specification as filed. Accordingly, Applicants request the Examiner's consideration and allowance of these added new claims.

CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



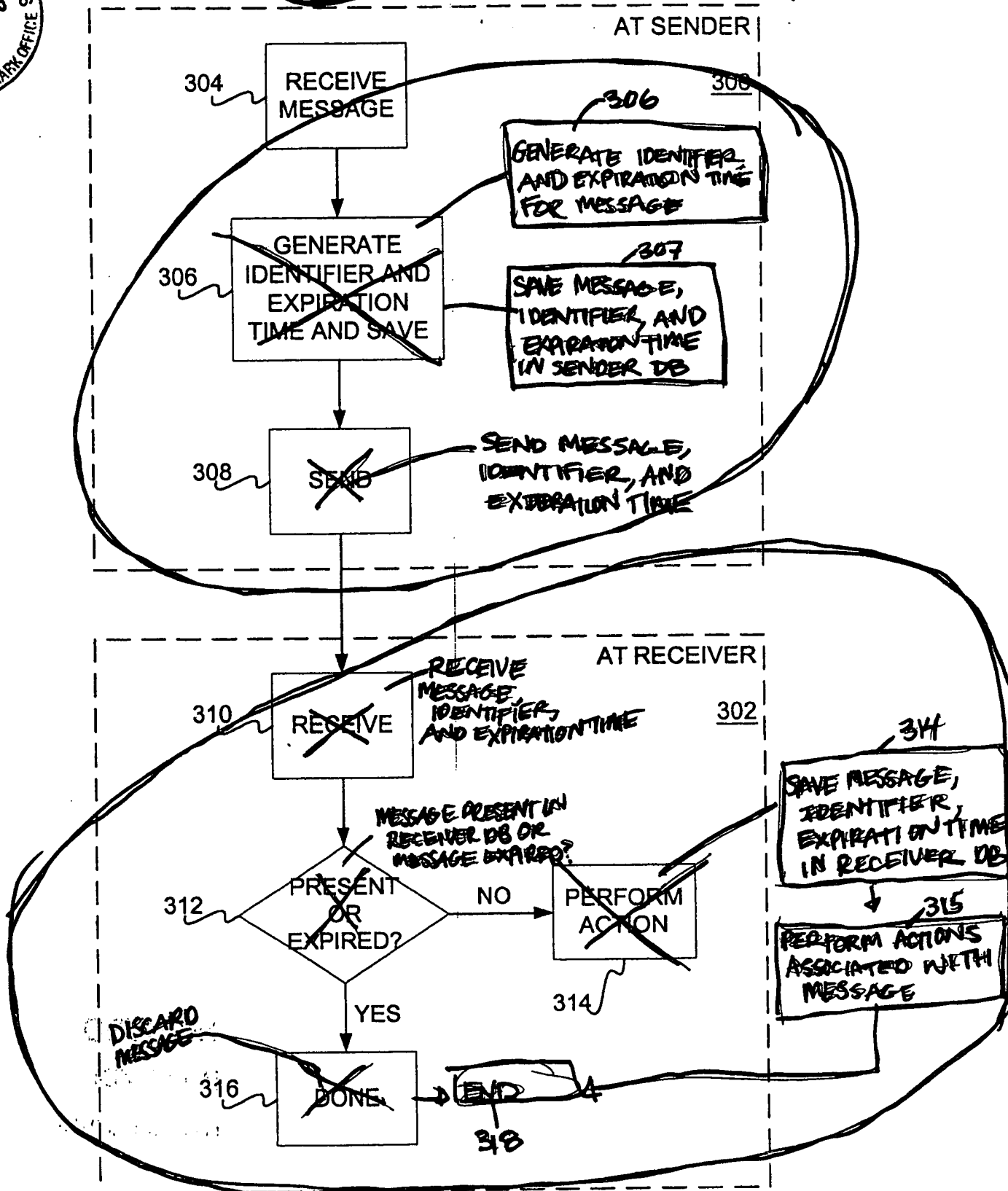
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Date: December 19, 2003



FIG. 3

FIG. 3





PATENT
Attorney Docket No. 212595

#14
T.D.
01/15/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: 2143

AMIT et al.

Examiner: Alina A. Boutah

Application No. 09/514,460

Filed: February 28, 2000

For: GUARANTEED EXACTLY ONCE
DELIVERY OF MESSAGES

CERTIFICATE OF MAILING

I hereby certify that this SEPARATE LETTER TO THE DRAFTSPERSON (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 12/19/03 Jessica T. Huth

SEPARATE LETTER TO THE DRAFTSPERSON

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Official Draftsperson

Dear Sir:

Please approve the changes shown in red in the attached marked-up copy of Figure 3.

RECEIVED

JAN 09 2004

Technology Center 2100

Respectfully submitted,

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Date: December 19, 2003

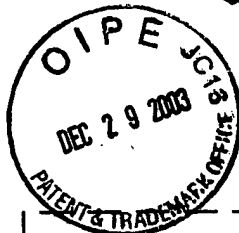


FIG. 3

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